



08-02-06

PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: *DIWAKAR R. GOVINDUGARI*Application No.: *10/635,891*Art Unit: *2129*Filed: *Aug. 05, 2003*Examiner: *Peter D. Coughlin*Title: *A Method AND Architecture for DATA TRANSFORMATION, Normalization, Profiling, Cleansing, AND Validation*

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in the form of Response to Office Action (identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

David O. McGovern
Signature

July 31, 2006
Date

David O. McGovern
Typed or printed name

Registration Number, if applicable

P.O. Box 2097
Address

(831) 338-4621
Telephone Number

Boulder Creek, CA 95006
Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: TRANSMITTAL COVER, fee transmittal claims listing, Express Mail Cert., Change of CORRESPONDENCE, itemization, RECEIPT POST CARD, COVER letter.

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

July 31, 2006
Date

David O. McGovern
Signature
David O. McGovern
Typed or printed name of person signing certificate



Re Application Of: Govindugari et al

Serial No. 10/635,891

Filed: Aug. 05, 2003

For: A Method and Architecture

Examiner: Peter D. Coughlan

Group Art Unit: 2129

Atty. Docket No: McG-003

Date: July 31, 2006

Attention: Office of Petitions
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Statement That The Entire Delay Was Unintentional

Patent Application Serial Number 10/635,891 was unintentionally abandoned when Applicants failed to respond to the first Office Action dated November 7, 2005. At no time has it been Applicants' intent to abandon this application. The entire delay in responding was unintentional, as detailed below.

Despite best efforts, neither Applicant (David O. McGoveran and Diwakar R. Govindugari) was able to provide a timely response. Neither applicant is an attorney or patent agent, and have not been financially able to hire legal representation, either in preparing or prosecuting the patent applications. Furthermore, Mr. Govindugari is neither a native of the United States, English is not his first language, and he has had little experience with the American legal system and PTO. By contrast, Mr. McGoveran is a native of the United States, English is his first language, and he holds three patents. For these reasons, it was determined prior to preparing and submitting the patent application that Mr. McGoveran would handle the application process to the best of his ability until such time as applicants could afford legal representation and that Mr. Govindugari would be devoted full time to starting a new business that would exploit the invention and pursuing venture capital. It was the hope of Applicants that the new business would then provide funds for legal representation.

During the period from approximately 2002 through 2005, both Applicants had significantly reduced income. Mr. Govindugari has been forced to sell his home and, due in large part to the financial strain of attempting to start a new business, underwent a

In Re Application Of: Govindugari et al	Examiner: Peter D. Coughlan
Serial No. 10/635,891	Group Art Unit: 2129
Filed: Aug. 05, 2003	Atty. Docket No: McG-003
For: A Method and Architecture	Date: July 31, 2006

divorce. His level of stress now threatens his ability to function and it appears he will not be successful in starting the new business despite heroic efforts (an estimated average of eighty hours per week).

From early 2005 to the present, Mr. McGoveran has undergone a separation, while at the same time finding it necessary to provide support to two close family members (mother and sister) that required long term care and were repeatedly taken to the hospital in critical condition.

Approximately two months prior to receipt of the Office Action, Mr. McGoveran was hired as an expert witness in three separate patent infringement cases. (Mr. McGoveran has been an independent consultant in the software industry since 1976.) Given the lack of income in preceding months, financial requirements dictated accepting a maximum workload. Due to unanticipated changes in the courts' schedules, the timeframe for Mr. McGoveran to work on these cases became significantly compressed. From October 2005 through June 2006, Mr. McGoveran has worked an average of ten hours per day (seven days per week) doing prior art research, claims construction, infringement analyses, and invalidity analyses; preparing declarations, infringement reports, infringement rebuttal reports, invalidity reports, and invalidity rebuttal reports.

At the time the Examiner contacted Mr. McGoveran (Examiner apparently thought Mr. McGoveran was a patent attorney) and for the following four weeks, Mr. McGoveran was preparing for and delivering a tutorial on database technology to the US District Court Western District of Washington, and was required in two depositions.

As a result of all the above, Applicants (neither of whom has personally been responsible for prosecuting a patent application before) miscomputed the six month deadline for responding to the Office Action, thinking it was July 7, 2006. Mr. McGoveran had hoped to be relieved of court duties during the month of June and to complete the Office Action by that date. When Examiner spoke with Mr. McGoveran by telephone on approximately May 22, 2006, the correct deadline of June 7, 2006 was not mentioned and Mr. McGoveran continued to labor under the misconception. On approximately June 15, Mr. McGoveran received the Notice of Abandonment and realized the error in computing the deadline for a response.

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Applicants were not immediately aware of any remedy. Once aware of the potential of a Petition to Revive, Applicants' were uncertain as to how to proceed, whether the Response to Office Action should be sent, or the forms and fees required, and decided to seek legal advice. Approximately a week and a half were required just to obtain that legal advice, given the attorney's lack of availability. Every available moment since has been used to perform the tasks necessary for filing this Petition to Revive and the accompanying Response to Office Action.

Applicants respectfully request that the Commissioner grant this Petition to Revive, and that the examination be allowed to continue.

Respectfully Submitted:


David O. McGoveran

David O. McGoveran
POB 2097
Boulder Creek, CA 95006
Tel: (831) 338-4621
McGoveran@AlternativeTech.com

Sent via Express Mail, July 31, 2006: EQ 616294119 US